Amendments to the Claims:

The listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1. (Currently Amended) A device for cryoablating exposed tissue which comprises:

a tube-shaped shaft formed with a lumen, said shaft having a proximal end and a distal end;

a flexible enclosure having an outer surface and an inner surface, with the inner surface thereof forming a cryochamber with an opening wherein the cryochamber has a length, said enclosure being attached to the distal end of said shaft for fluid communication through the opening between the lumen of said shaft and the cryochamber of said enclosure;

a shapeable rod-shaped element attached to the distal end of said shaft and extending therefrom into the cryochamber of the enclosure substantially along and through the length thereof, to selectively establish a configuration for said enclosure to conform said enclosure to the exposed tissue;

a high-pressure tube having a distal end positioned in the lumen of said shaft; and

a capillary tube connected in fluid communication with the distal end of said high-pressure tube to deliver a restricted flow of cryo-fluid from said tube to said cryochamber for expansion therein to cryoablate tissue in contact with the outer surface of said enclosure[[.]], wherein the cryo-fluid is preconditioned to enter said capillary tube at approximately 400psia and -40°C.

2. (Original) A device as recited in claim 1 wherein the cryochamber is cylindrical shaped and said enclosure is made of a thermo-conductive material.

3. (Original) A device as recited in claim 2 wherein the thermo-conductive material has a thermal conductivity in a range of 2-100 W/mK.

4. (Cancelled)

5. (Currently Amended) A device as recited in claim [[4]] 1 wherein said shapeable element is made of copper.

6. (Previously presented) A device as recited in claim 1 further comprising a source for holding the cryo-fluid in a liquid state and in fluid communication with said tube.

7. (Original) A device as recited in claim 6 wherein said cryo-fluid is Nitrous Oxide.

8. (Currently Amended) A device for cryoablating tissue having an exposed surface, said device comprising:

a flexible enclosure having an outer surface for contacting the exposed tissue and an inner surface, with said inner surface thereof forming a cryochamber wherein the cryochamber has a length;

a shapeable rod-shaped element disposed in said cryochamber substantially along and through the length thereof, said shapeable element being deformable from a first shape wherein said shapeable element is substantially straight and elongated to a second shape wherein said shapeable element reconfigures a portion of said outer surface of said enclosure to substantially conform with a portion of the exposed surface of the tissue; and

a means including a flow restricting device for delivering a restricted flow of cryo-fluid into said cryo-chamber for expansion therein to cool said enclosure and cryoablate tissue in contact with the outer surface of said enclosure[[.]], wherein the cryo-fluid is preconditioned to enter the flow restricting device at approximately 400psia and -40°C.

9. (Original) A device as recited in claim 8 wherein the cryochamber is cylindrical shaped and said enclosure is made of a thermo-conductive material.

10. (Cancelled)

11. (Currently Amended) A device as recited in claim [[10]] 8 wherein said shapeable element is made of copper.

12. (Original) A device as recited in claim 8 wherein said delivering means comprises a tube-shaped shaft formed with a lumen.

13. (Previously presented) A device as recited in claim 12 wherein said delivery means further comprises:

a source for holding a cryo-fluid in a liquid state;

a high-pressure tube having a distal end and a proximal end, with the proximal end thereof connected in fluid communication with said source to extend said high-pressure tube therefrom through the lumen of said shaft; and

a capillary tube connected in fluid communication with the distal end of said high-pressure tube to transition the cryo-fluid from its liquid state into a gaseous state to cool said enclosure.

14. (Original) A device as recited in claim 13 wherein said cryo-fluid is Nitrous Oxide.

15. (Currently Amended) A method for cryoablating tissue, said method comprising the steps of:

providing a device including a shaft having a proximal end and a distal end, said device further including a flexible enclosure attached to the distal end of said shaft, said enclosure having an outer surface and an inner surface, with the inner surface thereof forming a cryochamber wherein the cryochamber has a length, said device further including a shapeable rod-shaped element attached to the distal end of said shaft and extending therefrom into the cryochamber substantially along and through the length thereof;

exposing the tissue;

deforming said shapeable element to selectively establish a configuration for said enclosure to conform said enclosure to the exposed tissue;

contacting the tissue with said outer surface of said enclosure; [[and]]

preconditioning a cryo-fluid to approximately 400psia and -40°C; and

passing [[a]] said preconditioned cryo-fluid through a flow restricting device and into said enclosure to cool said enclosure and cryoablate the tissue.

16. (Original) A method as recited in claim 15 wherein the tissue is myocardial tissue.

17. (Original) A method as recited in claim 15 wherein said deforming step is performed subsequent to said exposing step.

18. (Original) A method as recited in claim 15 wherein the tissue has an exposed surface and wherein said deforming step establishes a configuration for said enclosure wherein a portion of said outer surface of said enclosure substantially conforms with a portion of the exposed surface of the tissue.

19. (Currently Amended) A method as recited in claim 15 wherein said shapeable element is ~~rod-shaped and~~ made of copper.

20. (Currently Amended) A method as recited in claim 15 wherein said passing step comprises the steps of:

holding [[a]] said cryo-fluid in a liquid state;

flowing said cryo-fluid through a high-pressure tube; and thereafter

flowing said cryo-fluid through a capillary tube to transition said cryo-fluid from said liquid state into a gaseous state to cool said enclosure.